

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, FEBRUARY 3, 1998
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:10 a.m. The meeting was recessed by Mayor Golding at 10:22 a.m. to convene the Redevelopment Agency Meeting. Mayor Golding reconvened the regular meeting at 10:23 a.m. with all Council Members present. The meeting was recessed by Mayor Golding at 12:08 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:05 p.m. with Council Member McCarty not present. Mayor Golding recessed the regular meeting at 3:38 p.m. to allow chambers to clear. The meeting was reconvened by Mayor Golding at 3:48 p.m. with all members present. Mayor Golding recessed the meeting at 7:44 p.m. to meet in Closed Session in the 12th floor conference room to discuss existing litigation and property acquisition matters. Mayor Golding reconvened the regular meeting at 8:17 p.m. with Council Members Warden and Vargas not present. Mayor Golding adjourned the regular meeting at 8:20 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
 - (1) Council Member Mathis-present
 - (2) Council Member Wear-present
 - (3) Council Member Kehoe-present
 - (4) Council Member Stevens-present
 - (5) Council Member Warden-present
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Vargas-present
- Clerk-Abdelnour/Fishkin (ms/mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-1: REFERRED TO CITY MANAGER

Adrian Cornist said that he contracts with the Department of Corrections to provide room accommodations for 55 parolees. He has been at the current address for 4 years with no incidents. He is now being forced to move out of that location because of political pressure his landlord is receiving.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A020-046.)

ITEM-PC-2:

Comment by Reverend Sky regarding spiritual warfare between people who love money and those who love humanity and God. He thanked Council Member Wear for the good program he has for the homeless and he thanked Council Member Kehoe for the good teen center she has. He also thanked Mayor Golding and Deanna Spehn for their work with the 6 to 6 Program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A047-071.)

ITEM-PC-3:

Howard Brotman asked if there is going to be some consideration of the Trigger Lock Proposal and when. Mayor Golding responded that it will be docketed on

February 23, 1998.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A073-080.)

ITEM-PC-4:

Comment by Robert Bregman regarding the Peninsula Community Planning Board. He thinks they are not doing their job properly and City Council should set aside any of the Peninsula Community Planning Board findings or approvals and the City Council should immediately have an independent review of them.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A083-105.)

COUNCIL COMMENT:

None.

ITEM-107: CONTINUED TO MONDAY, FEBRUARY 23, 1998

SUBJECT: Re-Capitalization of the EmTek Fund.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-748)

Authorizing the reallocation and transfer of \$110,000 in Industrial Development Bond Fund Fee revenues previously allocated to Facade Rebate Program Fund 10242, Org. 150, to the EmTek Seed Capital Program Fund 10242, Org. 160, for the purpose of re-capitalization of the EmTek Fund;

Authorizing the allocation of an additional \$15,000 from Fund 10240 to the EmTek Seed Capital Fund, for a total of \$125,000.

CITY MANAGER SUPPORTING INFORMATION:

The EmTek Fund was established in 1994 as part of a \$5.8 million federal defense conversion grant to provide financing for promising smaller early stage high tech businesses located throughout the San Diego region unable to obtain conventional loans or attract venture capital. EmTek's initial \$1 million

capitalization came from a \$750,000 EDA Title IX Revolving Loan Fund grant, with a \$250,000 local matching contribution provided by the City. EmTek has committed a total of \$1,080,000 in loans to 8 companies; 1 loan has been repaid in full; 1 loan is delinquent; the remainder of the portfolio is current and performing. 74 new jobs have been retained or created and over \$3.9 million in total public and private investment has been generated to date.

\$162,000 is currently available for lending, with several additional loan requests pending. In order to build upon EmTek's accomplishments, rather than suspending EmTek's operations upon obligation of its remaining initial capital, the City Manager is seeking to continue the program with a proposed \$1 million re-capitalization, as follows: \$125,000 has been committed from the County of San Diego by action of the Board of Supervisors on December 9; \$125,000 of additional City funding would be committed by the proposed action; \$750,000 is being sought from other public (e.g. EDA) and/or private (e.g. banks) sources. The proposed action authorizes a transfer to EmTek of \$110,000 previously allocated for the Facade Rebate Program in 1993 (R-282405) but still available due to the fact that in the intervening period, annual funding has been allocated for facade rebates as part of the Small Business Enhancement Program; and allocation of \$15,000 in revenues on-hand from the Industrial Development Bond Fund.

Aud. Cert. 9800798.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: L102-119.)

MOTION BY KEHOE TO CONTINUE THIS ITEM TO FEBRUARY 23, 1998, UNTIL SHE GETS A REPORT FROM THE OFFICE OF SMALL BUSINESS AS TO WHY THEY WERE SITTING ON \$100,000 FOR THREE YEARS AND NOW WANT TO REALLOCATE IT TO ANOTHER PROGRAM WHEN THE COUNCIL HAS BEEN WORKING TO FUND THE FACADE REBATE PROGRAM FROM WHICH IT IS COMING. Second by McCarty. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: Two actions related to the Hollister Street (Bailey Bridge) Replacement Project.

(See City Manager Report CMR-98-03. Tijuana River Valley Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-739) ADOPTED AS RESOLUTION R-289706

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION

Determining and declaring that the public interest, convenience and necessity of the City of San Diego requires the acquisition of fee simple title to two parcels of property for the construction, improvement, operation and maintenance of the Hollister Street (Bailey Bridge) replacement project, located near Hollister Street and the Tijuana River in the Tijuana River Valley, and that the public interest, convenience and necessity demand the acquisition of fee title to the property;

Declaring the intention of the City to acquire the property under eminent domain proceedings;

Directing the City Attorney to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning the property and acquiring immediate possession;

Stating for the record that the City of San Diego as Lead Agency has reviewed and considered the information contained in Mitigated Environmental Negative Declaration, LDR-96-0663, previously certified in connection with the Hollister Street (Bailey Bridge) Replacement Project.

Subitem-B: (R-98-740) ADOPTED AS RESOLUTION R-289707

Authorizing the expenditure of an amount not to exceed \$30,000 from Fund 30300, Organization 107, Object Account 4279, Job Order 526250 (CIP-52-625.0).

Aud. Cert. 9800770.

FILE LOCATION: SUBITEMS A&B: MEET

COUNCIL ACTION: (Tape location: A157-286.)

Hearing began at 10:23 a.m. and halted at 10:33 a.m.

Testimony is opposition by Imelda Martinez.

MOTION BY VARGAS TO ADOPT AND TRY TO WORK WITH THE MARTINEZ FAMILY TO GIVE THEM THE BEST SETTLEMENT WE POSSIBLY CAN WITHIN THE LAW. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor

Golding-yea.

ITEM-331:

SUBJECT: Matter of the appeals by August Felando and Dwight Twist, from the decision of the Planning Commission in approving the request for a Coastal Development Permit to demolish an existing one-story single-family residence and construct a new two-story single family residence. (Rhoads Residence).

(CDP-96-7613. Peninsula Plan Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to deny the appeal and grant the permit:

(R-98-) ADOPTED AS RESOLUTION R-289708 GRANTING
PARTIAL APPEALS AND GRANTING PERMIT AS
AMENDED

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission voted 5-0 to approve; no opposition.

Ayes: Butler, Quinn, Steele, Skorepa, Watson

Not Present: Anderson, White

The Peninsula Community Planning Group has recommended approval of the permit.

CITY MANAGER SUPPORTING INFORMATION:

The appeal is being requested for a Coastal Development Permit CDP-96-7613. The project proposes to demolish an existing one-story single-family home and pool, and construct a new two-story single-family home, pool and site improvements. The subject property is located at 877 San Antonio Place within the Peninsula Community Planning Area. The project site is designated in the Peninsula Community Plan as Single-Family Residential, and is zoned R1-5000. The surrounding neighborhood is currently developed with a variety of one, two and three story single-family homes, in a variety of sizes, architectural styles and colors.

NOTE: On January 13, 1998 Council voted 8-0 (Mayor not present) to hear the appeal.

LEGAL DESCRIPTION:

The subject property is located at 877 San Antonio Place,
described as Lot 2 of Yacht Club Terrace, in the R1-5000 Zone.

FILE LOCATION: CDP 96-7613(65)

COUNCIL ACTION: (Tape location: A288-B434.)

Hearing began at 10:33 a.m. and halted at 11:23 a.m.

Testimony in opposition by August Felando, Ming Wu, Robert Bregman, Payne Johnson, Dwight Twist and Nicholas Fintzelberg.

Testimony in favor by Lynne Heidel, Stephen Rhoads, Tim Wilson, Celene Varasano, John Donnelley, Patrick Goddard, and Kirk O'Brien.

MOTION BY WEAR TO APPROVE COASTAL DEVELOPMENT PERMIT NO. 96-7613 WITH THE PERMIT MODIFIED TO STIPULATE THAT THE NEW TWO-STORY SINGLE FAMILY RESIDENCE BE CONSTRUCTED ON THE EXISTING GRADE OF THE PRESENT STRUCTURE. SINCE THE EXISTING GRADE OF THE PRESENT STRUCTURE IS APPROXIMATELY 2 FEET BELOW STREET LEVEL, THE NET EFFECT OF THIS MODIFICATION IS TO REDUCE THE OVERALL HEIGHT OF THE PROPOSED DEVELOPMENT AT ALL POINTS BY THIS AMOUNT. AN ADDITIONAL CONSIDERATION WILL BE THAT WE ALLOW THE GARAGE TO BE MAINTAINED AT THE STREET LEVEL, AND STIPULATE THAT NO FILL WILL BE BROUGHT INTO THE SITE. Second by Kehoe.

Substitute motion by Stevens to approve the Manager's recommendation for this project to deny the appeal and approve the permit. Second by Stallings. Failed.
Yeas: 4,5,6,7. Nays: 1,2,3,8,M. Not Present: None.

Motion by Wear passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-nay, Stallings-nay, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Environmental Enhancement and Mitigation Program Grant
- Roots Downtown Tree Planting Program.

(See memorandum from CCDC dated 12/30/97. Centre City Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-98-768) ADOPTED AS RESOLUTION R-289709

Approving the application for grant funds for the Environmental Enhancement and Mitigation Program under California Streets and Highways Code Section 164.56 for the Centre City Redevelopment Project; making certain findings with respect to the payment for the Environmental Enhancement and Mitigation Program.

NOTE: See the Redevelopment Agency Agenda of 2/3/98 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A106-152.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Request to Bid Centre City East Street Lights Phase III.

(See memorandum from CCDC dated 12/15/97. Centre City East Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-98-769) ADOPTED AS RESOLUTION R-289710

Making certain findings with respect to the payments for the construction of improvements consisting of the Centre City East Streetlights Phase III in the Centre City East Redevelopment District and Core Columbia Sub Area of the Centre City Redevelopment Project; making certain findings with respect to the payments for these improvements, and authorizing the Centre City Development Corporation to bid and construct the improvements.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A106-152.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

SUBJECT: An Ordinance Regulating the Distribution of Gasoline
and the Operation of Gasoline Service Stations.

(See City Manager Report CMR-98-23.)

TODAY'S ACTION IS:

Introduction of the following ordinance:

(O-98-79 Cor.Copy) INTRODUCED OPTION 2; ADOPTION DATE TO BE
DETERMINED

Introduction of a model ordinance, as proposed by the
County, to regulate the distribution of gasoline and
the operation of gasoline service stations, but
including divorcement regulation, price discrimination
regulation and open supply regulation.

NOTE: If a motion is made for introduction of the
ordinance, the motion must include an election of either
Option 1 or Option 2. The City Attorney will return the
ordinance at the second reading with the single option
selected.

Section 3. [OPTION 1]. Effective Date. This ordinance shall
become effective thirty (30) days after the County of San
Diego executes a legally binding agreement with the City of
San Diego to the satisfaction of the City Attorney which
provides for the County to defend and indemnify the City
from any legal action challenging the City's adoption of
this ordinance.

Section 3. [OPTION 2]. Effective Date. This ordinance shall
become effective concurrent with the date the Board of
Supervisors of the County of San Diego makes operative an
ordinance, which is the same as or substantially similar to
this ordinance.

CITY MANAGER'S RECOMMENDATION:

If the proposed ordinance is adopted, it is recommended that the
City first obtain a binding commitment from the County of San
Diego to defend and indemnify the City from any challenge to the
City's regulation.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B495-C499, D010-F159.)

MOTION BY WARDEN TO APPROVE THE GAS ORDINANCE, OPTION NUMBER
2, WHICH WOULD BE WITH NO INDEMNIFICATION, BUT EFFECTIVE THE
SAME DATE THAT THE BOARD OF SUPERVISORS ADOPTS THE COUNTY OF

SAN DIEGO'S ORDINANCE, WITH THE FOLLOWING DIRECTIONS:

1. DIRECT THE CITY MANAGER AND THE CITY ATTORNEY TO CONSULT WITH THE ATTORNEY GENERAL AND THE FEDERAL TRADE COMMISSION ON ADDITIONAL WAYS IN WHICH TO EFFECTIVELY IMPROVE THE COMPETITIVE MARKET FOR DISTRIBUTION AND THE SELL OF GASOLINE IN SAN DIEGO.
2. ACCEPT MAYOR GOLDING'S RECOMMENDATIONS TO: A) DIRECT THE CITY ATTORNEY TO RESPOND TO THE PROPOSED CONSENT ORDER THAT WAS ISSUED BY THE FEDERAL TRADE COMMISSION REGARDING THE SHELL/TEXACO MERGER, GIVING THE CITY COUNCIL'S SUPPORT TO INSURE A CONTINUATION OF LEVELS OF COMPETITION IN SAN DIEGO SO THAT IN THE EVENT OF A DIVESTITURE, IT CAN BE DONE IN SUCH A WAY THAT COMPETITION IS ENHANCED; B) DIRECT THE CITY ATTORNEY TO WORK WITH OUR INTERGOVERNMENTAL RELATIONS DEPARTMENT TO LOOK AT THE PETROLEUM INDUSTRY INFORMATION REPORTING ACT WHICH TALKS ABOUT RETAIL AND WHOLESALE PRICING BY KEY LOCATION THROUGHOUT THE STATE AND HOW THAT PRICING DATA WOULD BE PUBLISHED; C) DIRECT THE CITY MANAGER TO RETURN TO COUNCIL IN THIRTY DAYS WITH A RECOMMENDATION FOR A VOLUNTARY PRICE POSTING SYSTEM THAT WOULD PROVIDE LOCAL LOW-PRICE INFORMATION TO CONSUMERS BY CITY TELEVISION CHANNELS SO THAT CONSUMERS CAN FIND OUT WHERE THE LOWEST PRICES ARE IN THE COUNTY OF SAN DIEGO.
3. ACCEPT COUNCIL MEMBER VARGAS' RECOMMENDATION TO DIRECT THE CITY ATTORNEY TO BEGIN DISCUSSIONS WITH TIM COHELAN IN THE CASE OF AGUILAR ET. AL. V. ATLANTIC RICHFIELD CORPORATION TO SEE IF THE CITY CAN JOIN IN THAT LAWSUIT AND REPORT BACK TO COUNCIL WITH HIS FINDINGS.

Second by Stallings.

Substitute motion by Vargas to set up a Commission whereby the price of gas would be set in the City of San Diego. Second by Stevens. Failed. Yeas-48. Nays-123567M. Not present-none.

Vote for original motion: Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335: RETURNED TO CITY MANAGER

SUBJECT: New Main Library Project - Architectural Agreement.

(See City Manager Report CMR-98-15.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-602 Cor. Copy)

Approving the New Main Library Project concept design and directing the City Manager to cause the remaining design work to be completed;

Approving a total Project budget of \$103,500,000 for CIP-35-082.0, San Diego New Main Library;

Authorizing the expenditure of a maximum of 9.9 percent of the approved total Project budget for CIP-35-082.0, San Diego New Main Library, for all remaining architectural and engineering (A & E) fees and costs associated with the Project, to be expended in the following manner:

- a. \$8,000,000 from the current year appropriations for the pre-construction phase of the Project; and
- b. The remaining balance of the 9.9 percent to be spent contingent upon certification of funds being available by the City Auditor, for the construction phase of the project;

Authorizing the City Manager or designee, to execute an agreement with Quigley, SMWM, TS&A Collaborative, to provide all remaining architectural and engineering services required to complete the design of the New Main Library, with the services not to exceed 9.9 percent of the approved total Project budget and contingent upon certification by the City Auditor that funds are available.

Aud. Cert. 9800582.

FILE LOCATION: MEET (63)

COUNCIL ACTION: (Tape location: F249-L101.)

Motion by Kehoe to direct the City Manager and the City Attorney to draft a ballot measure for the November 1998 General Election, for voter approval or disapproval by a majority, on the construction of a new main library. The draft ballot language should come back to Council by the end of June. The ballot measure shall describe the existing project as stated in Council Member Kehoe's memorandum to the Mayor and Council dated February 3, 1998, as follows:

- An 8-story, 300,000 gross square foot Main Library building, at the Kettner Boulevard site across from the Santa Fe Depot, which includes a reading room and lattice dome, described in Manager's Report No. 98-15 as "Option Two".

- A maximum construction budget of \$103.5 million, adjusted for the expected inflationary increase in construction costs associated with the change from the timetable specified in Manager's Report No. 98-15.

- Financing for the Main Library Project shall be described as follows:

\$15.0 million - Centre City Development
Corporation redevelopment funds

\$15.0 million - Private fund raising campaign

\$73.5 million - Proceeds from long-term bond
issuance

\$103.5 million* Total Main Library Construction
Costs

* The funding program would be adjusted to reflect the limited increase in construction costs that would result from the change in construction timetable from Manager's Report No. 98-15.

No additional expenditures for Architectural and Engineering work on the Main Library Project shall be incurred beyond work already authorized. Second by Wear.

SUBSTITUTE MOTION BY WARDEN TO RETURN THIS ITEM TO THE CITY MANAGER, IN LIEU OF HIS RECOMMENDATION, WITH THE FOLLOWING DIRECTIONS:

1. TO RESTATE THE CITY COUNCIL'S SUPPORT FOR CREATING A WORLD CLASS CENTRAL LIBRARY BY COMMITTING TO PUT THIS PROJECT ON THE NOVEMBER, '98 BALLOT OR A SPECIAL ELECTION '99. WE DO NOT NEED CONFLICTS IN APPROVAL OF BUDGETS FOR OTHER CIP PROJECTS OR THE BRANCH LIBRARY MEASURE WHENEVER IT MAY BE.
2. DIRECT THE CITY MANAGER TO RETURN TO COUNCIL IN JUNE, AS PART OF OUR BUDGET DELIBERATIONS PROCESS, WITH THE REVISED FINANCING PLAN FOR THE CENTRAL LIBRARY, TO ADDRESS THE COUNCIL'S CONCERNS FOR THE CAPITAL AND OPERATING COSTS INTO THE FUTURE. THE COUNCIL IS ALSO CONCERNED THAT THE TOT MONEY EARMARKED FOR THE DOWNTOWN SPORTS ENTERTAINMENT COMPLEX PROJECT IS BEING DIVERTED AWAY FROM ITS ORIGINAL PURPOSE. AS PART OF THIS BUDGET REVIEW THE CITY MANAGER NEEDS TO LOOK AT OTHER FUNDING SOURCES FOR THAT SAME PORTION OF TOT BEING BORROWED FOR THE CENTRAL LIBRARY PROJECT.

Vote on Council Member Kehoe's motion: Failed. Yeas-123M. Nays-45678. Not present-none.

Motion by McCarty to amend the motion to request that the

City Manager identify where the operations money will come from for the main library and that it be part of the financing plan. No second.

Substitute motion by Vargas to approve the design and budget adjusted for time, if the branch measure passes. Second by McCarty. Failed. Yeas-478. Nays-12356M. Not present-none.

Vote on Council Member Warden's motion: Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-nay, McCarty-yea, Vargas-nay, Mayor Golding-yea.

Additional Business:

Adopt the following resolution:

(R-98-602 REV.) ADOPTED AS RESOLUTION R-289864

The City Attorney determined it necessary to adopt a Resolution to document the directions given to the City Manager by Council.

FILE LOCATION: MEET

ITEM-S500:

SUBJECT: Office Space Lease Amendment - Civic Center Plaza.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-77) INTRODUCED, TO BE ADOPTED FEBRUARY 17, 1998

Introduction of an Ordinance authorizing the City Manager to execute a lease amendment for the existing City Departments located at the Civic Center Plaza, for approximately 181,630 square feet at a monthly rent of \$1.40 per square foot or \$254,282, for eleven years and three months.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: L124-128.)

MOTION BY WEAR TO INTRODUCE THE ORDINANCE. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-CS-1: (R-98-838) ADOPTED AS RESOLUTION R-289711

A Resolution adopted by the City Council in Closed Session on February 3, 1998:

Authorizing the City Manager to pay the total sum of \$60,000.00 (Sixty Thousand Dollars) in the settlement of each and every claim against The City of San Diego, its agents and employees, brought by Sharon Woody, resulting from personal injury that occurred on or about January 5, 1996, on the sidewalk in the vicinity of 3794 Third Avenue, Hillcrest; authorizing the City Auditor and Comptroller be and he is hereby authorized to issue one check made payable to Sharon Woody and her attorney of record Thomas A. Leary, in the amount of \$60,000.00 (Sixty Thousand Dollars), in full settlement of all claims.

Aud. Cert. 9800900

FILE LOCATION: MEET

ITEM-CS-2: (R-98-846) ADOPTED AS RESOLUTION R-289712

A Resolution adopted by the City Council in Closed Session on February 3, 1998:

Authorizing the City Manager to pay the total sum of \$40,000.00 (Forty thousand dollars) in the settlement of each and every claim against The City of San Diego, its agents and employees, in Federal Court Case No. 96-2186J, Frey, et al. v. City of San Diego, et al. resulting from the contact between members of the San Diego Police Department and the plaintiffs on December 27, 1995; authorizing the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$40,000.00 (Forty thousand dollars), made payable to Susan Marie Frey, Stephen Carlos Frey, and their attorney of record, Michael Marrinan, in full settlement of the lawsuit and of all claims.

Aud. Cert. 9800883

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

Feb-3-1998 RECORDER=mc

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 8:20 p.m.
in honor of the memory of Julia Fidero Bohe, as
requested by Council Member McCarty.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: L129-134.)